REMARKS

Claims 1–15 are pending in the application.

Claims 1–15 stand rejected.

Claims 1–15 have been amended.

Provisional Rejection of Claims for Double Patenting

Claims 1-6 were provisionally rejected under the judicially-created doctrine of double patenting. Applicant has amended claim 1, and respectfully submits that the amendments made address this rejection. Applicant therefore respectfully submits that this rejection is overcome thereby.

Rejection of Claims under 35 U.S.C. §112

Claims 1-6 and 8-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claims 1-15 to variously correct antecedent basis, claim dependency and any other infirmities in those claims under 35 U.S.C. § 112 that might have existed. Applicants respectfully submit that this rejection is overcome thereby.

Rejection of Claims under 35 U.S.C. §102

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Young, U.S. Patent No. 6,560,606 (Young). Applicant respectfully disagrees.

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As an initial matter, Applicant does not concede that the reference is prior art, and so respectfully notes that amendments made herein are without prejudice to Applicant's right to establish, for example in this or a continuing application, that the reference is not prior art to an invention now or hereafter claimed.

Applicant respectfully submits that claim 1, as amended, is allowable over Young. Applicant has amended claim 1 to recite that the claimed resources comprise at least one of a hardware device, operating system software and application software. Applicant therefore respectfully argues that the indication of the configuration of at least a selected one of the selected resources and the configuration of the selected resource is not taught by Young. The cited passages of Young are concerned with the configuration of configuration files, which are used to configure a processing pipeline. (col. 10, lines 2-20) Ultimately, Young is concerned with obtaining usage data specific to one or more value added services (VASs). (col. 10, lines 1-2) This is accomplished using the processing pipeline, which is shown in Fig. 2 of Young as a multi-stage processing pipeline, each pipeline stage including multiple processing modules and an execution management framework. (Fig. 2 and col. 8, lines 1-47) This processing pipeline is implemented in software, and, if for no other reason, could therefore not anticipate claim 1, as amended, because Young does not contemplate the claimed resources, their indication for configuration, nor their configuration. Applicant therefore respectfully submits that claim 1, as amended, is not anticipated by Young.

Rejection of Claims under 35 U.S.C. §103

Claims 2-15 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Young. Applicant respectfully disagrees.

As an initial matter, Applicant respectfully submits that elements of claims 1 and 7 are not shown, taught or suggested by Young, taken alone or in permissible combination with skill in the art at the time of invention. As noted previously, Young fails to show, teach or even suggest the indication of configuration or configuration of at least one of a hardware device, operating system software and application software. Moreover, Young fails to show, teach or even suggest the indication of configuration or configuration of software programs coupled to hardware devices. As also noted previously, Young is concerned with obtaining usage data specific to one or more VASs through the use of a software processing pipeline. While Young is obviously unrelated to the configuration of a hardware device, Applicant respectfully submits that Young is also not related to the configuration of software programs coupled to hardware devices.

Young's apparatus for ordering the processing of data is directed to the management, by an execution manager, of the processing of data by a number of processing modules which constitute a processing pipeline, ensuring that the output of one processing module is properly provided to another of the processing modules, and maintaining VAS usage information in this manner. (Claim 9; Fig. 2 and col. 8, lines 1-47; Fig. 3 and col. 8, line 48, through col. 9., line 4; Fig. 6B and col. 14, line 61, through col. 15, line 20) Young's processing pipeline is implemented in software, using pipeline stages that coordinate a number of processing modules ("plug-ins"), which are modular, computer-executable objects. (col. 8, lines 9-11, 27-30, and 34-47) The process contained in a plug-in includes a sequence of executable computer instructions organized in one or more callable procedures or routines. (col. 8, lines 38-41) Thus, Young's processing pipeline is a software construct, and so any configuration of Young's processing pipeline is the configuration of those software constructs.

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The claimed invention, as claimed in claims 1 and 7, is directed to the indication regarding the configuration of resources (variously hardware devices and/or software programs (including operating system software and application software) coupled to hardware devices) and the configuration of those resources. Young is simply not concerned with whatever hardware aspects exist in relation to Young's software processing pipeline, because those aspect do not play into the operation of Young's software processing pipeline. Thus, the indication of configuration of, and configuration of software programs coupled to hardware devices (particularly where the hardware devices are coupled to a configurable communication link), is not shown, taught or suggested by Young.

Moreover, with regard to claims 7-15, Applicants respectfully assert that the rejection in no way provides any information whatsoever that effectively indicates what portion of Young makes obvious the claimed invention. In fact, Applicants have carefully studied Young and can find no reference to comparable elements existing therein. Applicants respectfully request that the Examiner more specifically point out the portion or portions of Young upon which the Examiner believes these elements read. *See*, MPEP §§706, 707; 37 C.F.R. 1.106(b). However, Applicant has responded to the cited reference in what Applicant believes to be as meaningful a manner as possible.

For at least the foregoing reasons, Applicant respectfully submits that the invention, as claimed in independent claims 1 and 7, is not anticipated or made obvious by Young. Applicant further respectfully submits that claims 2-6 and 8-15, which depend from independent claims 1 and 7, are also not anticipated or made obvious by Young for at least the foregoing reasons. Applicant therefore respectfully submits that claims 1-15 are in condition for allowance.
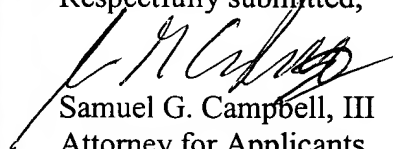
Conclusion

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5080.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 8, 2003.

_____ 10/8/03
Attorney for Applicant(s)   Date of Signature

Respectfully submitted,

Samuel G. Campbell, III
Attorney for Applicants
Reg. No. 42,381
(512) 439-5080 [Phone]
(512) 439-5099 [Fax]

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